

**MINUTES**  
**TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES**  
**REGULAR TOWN COUNCIL MEETING**

**Thursday, January 25, 2007**  
**3:30 p.m.**

PRESENT: Thomas W. Cadden, Mayor  
David J. Becker, Vice Mayor  
William H. Ahrens, Councilmember  
Frances F. Atchison, Councilmember  
E. William Kenyon, Councilmember

STAFF PRESENT: Robert J. Bradshaw, Town Manager  
Laura Aldrich, Town Clerk  
Richard Jefferson, Building Official  
Bill Schauman, Director of Public Safety  
Robbie Stabe, Lt., Public Safety  
Nick Schauman, Lt., Public Safety

1. **Call to Order.** Mayor Cadden called the meeting to order at 3:30 p.m.
  - a. Pledge of Allegiance
  - b. Invocation – Councilman Kenyon
  - c. Roll Call

**Consent Agenda**

- a. Acceptance of Building & Grounds Committee Minutes, November 15, 2006
- b. Acceptance of Chapter 185 Pension Trustee Board Minutes of December 14, 2006
- c. Approval of Regular Town Council Meeting Minutes of December 14, 2006
- d. Approval of Building Department Remodel Expense Invoice #3
- e. Approval of Town Attorney Invoice Received January 18, 2007

Mayor Cadden asked if there were any questions, and there were none. A **motion** was made by Councilmember Atchison and seconded by Councilman Kenyon, **received unanimous approval to accept items on the consent agenda as presented.**

3. **Mayor's Items.**

- a. Certificate of Appreciation to PSO Haynes as Community Liaison Officer  
Chief Schauman was asked by the Mayor to explain the background on this certificate, who informed them all that several years ago Officer Samantha Haynes had approached him with the request to do this project, which was unable to come to fruition. This year she approached Chief Schauman again to do the toy drive, and did a phenomenal job in putting boxes around Town in stores, and diligently got toys for Dasie Hope Center in Wabasso. Chief Schauman presented a Certificate to Officer Haynes, who thanked him after the applause for his open door policy and allowing her to do this project. It made our Town look great, she said, and the kids were so appreciative. Many of them have thanked her when she is in Wabasso, saying that they never would have gotten a toy like that for Christmas. Verna Wright, the Director of Dasie Hope, keeps the kids on a point value system and they earn privileges in this after-school program. Most of them are not raised in traditional two-parent homes, and do not get a lot of attention. At the Center, they are taught manners and to do their best with school work and in life.

Officer Haynes asked that if the opportunity arises to donate a toy throughout the year, please give it to her and she will see that it is put in the Dasie Hope Center Mall. They can “buy” the toy with points they earn throughout the month. Mayor Cadden said that she had done an outstanding job, and thanked her.

b. Florida League of Cities Legislative Priorities Resolution 07-01

Mayor Cadden said that the Resolution in the packet states the priorities for the upcoming legislative session. Councilman Kenyon **made a motion to approve the Resolution**, which was seconded by Councilmember Atchison. Mayor Cadden said that the League would actively lobby the legislature, and they are successful in some endeavors. The **motion passed unanimously**.

4. **Finance Committee.**

a. Approval of Final Audit

Mayor Cadden called on Ross Whitley (after Agenda item 6) to give the report. He identified himself as a partner in the CPA firm of Berman, Hopkins, Wright & LaHam, and began by stating that the Draft is the same as the Final Audit for Fiscal Year ending 9/30/06. The firm offers an “unqualified opinion” that the financial statements are presented in accordance with general accounting principles. There are two sets of financial statements included, one being a full accrual basis of accounting, with equipment and fixed assets capitalized and depreciated. The other is a modified accrual, or standard governmental basis, where capitalized equipment and fixed assets are expensed. The statements are then reconciled. In the beginning of the report, the management discussion and analysis was authored by Judith Lewis. It is a narrative of the financial results of the Town for the last couple of years, with budget highlights for ease of understanding for “non-financial people.”

He reviewed the net assets of \$6.476 million, of which \$2.5 million is unrestricted assets. The income statement is displayed by function, with revenues and expenses revealed. The bulk of the Town’s revenue is General Fund not associated with a specific function, which is shown below the line at the bottom. The net assets increased by \$1.4 million over this fiscal year. The balance sheet shows fund balances on page 15. In the General Fund, there is \$3.2 million, with \$1.051 million in undesignated, unrestricted and unreserved funds. There is \$1.5 million in emergency/disaster reserve, \$132,000 for cemetery, \$464,000 reserved for Building Department, and Road and Bridge Fund of \$514,000. The reserves are building up over the years, and he commended the Town for planning for the unexpected.

The Auditor General has set up a pool of comparable entities for reserve balances, and when the Town’s numbers are plugged into it, the ratios will determine the state of financial affairs for the Town. This year, for the first time, there were no unfavorable ratios. The Town is in extremely good shape financially.

Mr. Whitley discussed the result of operations of expenditures and revenues on page 17. An operating surplus on all of the funds was noted this year.

On pages 64-68, there are required management comments from the auditors, which he was happy to report that there were no deficiencies, no improper transactions or procedures. A new Auditor General rule requires that any findings are to be included in the management letter and then be evaluated by the elected officials for action. All prior comments were addressed and not repeated, and there were two current year comments. The first concerned journal entries, requesting that the Town Manager

review all of them. The second concerned the surpluses that build up, causing interfund transfers. Mr. Whitley recommended that interfund balance transfers be done with a plan to keep the money in the fund where they belong or use a centralized cash fund. There is nothing wrong with doing it as we have been, but it would make the financial statements a little cleaner.

Mayor Cadden thanked Mr. Whitley for good presentation, and asked about the Emergency fund. It had been reviewed by the Finance Committee and compared with other municipalities our size, which said we should be about \$2.5 million. He asked if this was one of the comparisons that the Auditor General pool addressed, and Mr. Whitley replied that it was not that detailed, just total fund balances.

Councilmember Kenyon asked about the percent (of taxes) collected always being 96%, and Mr. Whitley said that it reflects some people not paying taxes. He is not aware of any place that collects 100% taxes. Councilmember Becker asked if it was not reflective of 4% discounts for early payment, and Mr. Whitley said that may be part of it. Mr. Bradshaw said that we never budget for 100% receipt of taxes.

Mayor Cadden commended Mrs. Lewis for a good job with the budget, which was echoed by the Council. **A motion was made to approve the final audit by Councilmember Atchison and supported by Councilman Becker passed unanimously.**

5. **Planning, Zoning and Variance Board** – Gerry Weick

Mayor Cadden asked for Mr. Weick's report, who said that there was no meeting.

6. **Town Attorney**

a. Ordinance 487, Charter Amendment – Second Reading

Mr. Clem said that the second reading of Ordinance 487 has to do with the Town Charter. He read it by title as follows:

**AN ORDINANCE AMENDING THE CHARTER OF THE TOWN OF THE INDIAN RIVER SHORES TO PROVIDE CLARITY; AMENDING ARTICLE 2, RELATING TO MAYOR AND TOWN COUNCIL, SECTIONS 2-2, 2-4, AND 2-12, CLARIFYING ELECTION DATES AND PROCEDURES; AMENDING ARTICLE 3, RELATING TO OFFICERS AND EMPLOYEES GENERALLY, SECTION 3-2, ELIMINATING GENDER REFERENCES; AMENDING ARTICLE 5, RELATING TO FINANCIAL PROCEDURES, SECTIONS 5-2, 5-5, 5-7 AND 5-8, CHANGING RESPONSIBLE PARTY FROM MAYOR TO TOWN MANAGER, ELIMINATING UNNECESSARY LANGUAGE, PERMITTING TOWN TO PARTICIPATE IN EXISTING GOVERNMENTAL CONTRACTS; AND AMENDING ARTICLE 6, RELATING TO ELECTIONS, SECTIONS 6-3 AND 6-4, CLARIFYING AND REMOVING UNNECESSARY LANGUAGE; REQUIRING REFERENDUM ON MARCH 13, 2007 ELECTION; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Clem continued that there are just relatively minor changes to clarify the Charter. The staggered terms of office are clarified, the time and place for selection of the mayor and vice mayor will now be set by the Council, it is specified that Council members may serve on boards and committees, it was changed from mayor to town manager in a few places where it had incorrectly stated that the Mayor would handle certain functions that the Town Manager takes care of, and in section 6 language concerning facsimile signatures was taken out but the heading was left in. Mr. Clem asked if the words "Section 5.5. Facsimile signatures" could be removed as well. This constitutes all of the changes, he concluded. Councilman Kenyon made a motion **that Ordinance 487**

be approved as read with the exception of the deletion of (the heading for) “Section 5.5 Facsimile Signatures” and that “This section is intentionally left blank and is reserved for future use.” remain, which was supported by Councilman Becker. The motion passed unanimously. Mayor Cadden asked Mr. Clem about the Charter amendment being on the ballot on March 13<sup>th</sup>, and Mr. Clem said the language would be something like “Should the Charter of the Town of Indian River Shores be amended as provided in Ordinance 487 (primarily clarifying and updating language)?” with a “Yes” or “No” choice. It will be important to get the word out that it is a minor change and not much different than what has been. Laura has some language to send out to residents and property owners associations to get the word out to get a “Yes” vote. Normally a “No” vote is caused by voters not understanding the language. Mr. Kenyon asked about putting an article in the resident’s newsletter, and Mayor Cadden said that sending a letter out to the registered voters would be better.

7. **Town Manager**

a. Approval of 5<sup>th</sup> 185 Pension Board of Trustee Member

Mr. Bradshaw said that the Statute required that a fifth member be appointed by the other four members, and said that the Pension Board met earlier for this purpose. They have elected Mr. Bob Bowman for appointment on the Board. They also recommended that he serve as Chairman of the Chapter 185 Pension Board. A **motion to approve Mr. Bowman as a Board Member and to serve as the Chairman** was made by Councilman Kenyon and seconded by Councilman Ahrens. **The motion passed unanimously.**

It was also the Board’s recommendation that **the resignation of Mr. Cadden as member be accepted, and that Mr. John Godfrey be named as his replacement.** A **motion to this effect was made** by Councilman Kenyon and supported by Councilman Becker. There being no further discussion, the Mayor called for the vote, which was **unanimously approved.**

b. Accept Recommendation of Electrical Contractor for Generator Bid

As part of the building renovation program, Mr. Bradshaw said that we had gone out for bid for an electrical generator and received four bids. The low bid was from Mantz Electric for \$48,600 for an 80 kW generator. These funds come from the Building Department Fund, not the General Fund, Mr. Bradshaw reminded them. A **motion to approve the \$48,600 bid from Mantz Electric for an 80 kW generator** was made by Councilman Kenyon and supported by Councilman Becker. It **passed unanimously.**

c. Request to Revitalize Town Council Chambers (Building Official)

Mr. Bradshaw said that the very aggressive building program has resulted in completed renovations to the restrooms, conference room, Community Center, Post Office, and Town Manager/Town Clerk offices. Staff now feels that it is time to look at the Council Chambers, as the Town Treasurer’s office and Building Department are almost finished. Mr. Bradshaw continued that they are asking for somewhere less than \$50,000 from the infrastructure (one cent sales tax) funds, and invited Mr. Jefferson, who has been acting as the project manager on the entire project, to address the Council.

Mr. Jefferson said that his preliminary estimate of \$42,333 includes remodeling the dias, replacing the imitation wood table with oak cabinets and granite countertops, and redoing the PA system. Since all of the windows have been replaced, the project includes replacing the entrance door to match the others at Town Hall with high impact glass. The chairs are 56 years old and in need of replacement, and Mr. Jefferson

recommends attached seating that is movable for ease of cleaning. Plans to install tile floors and update the lighting to include recessed lighting were discussed. The Council was in favor of keeping the early American feel of the complex, retaining the classic chandelier and wall lights and adding recessed lights. Mr. Jefferson said the old fixtures have to be rewired. Mayor Cadden asked for recessed lighting at the back of the room.

Councilman Kenyon asked how chairs were planned, and Mr. Jefferson said he is planning on the same seating for 80. The chairs were discussed with the Council, with Mayor Cadden agreeing that retaining the Colonial look was important, and asked about having wooden chairs for the Chambers. Mr. Jefferson thought he would be able to do that in the same price range. Councilmember Atchison asked about theatre-style chairs, and Mr. Jefferson said he had some brochures she could review.

Councilman Becker asked about the width of the desk (table), and was told it would be about 18" narrower. Mayor Cadden requested a short (6") lip on the front of the table to screen the soft drink cans. Councilmember Atchison said that all other councils are working off of computers, and asked that electric be included should they decide to do that one day. Councilman Kenyon asked if all of the doors would be replaced, and was told only the double entrance doors. Councilman Becker asked that Councilmember Atchison be included in the choices of colors and design. Councilman Ahrens and Kenyon expressed appreciation for how nice the Town complex is looking, and thanked him for his efforts.

Mr. Kenyon made a **motion to approve renovations to the Council Chambers at a cost of Not-To-Exceed \$50,000**, supported by Councilmember Atchison. **The motion passed unanimously.**

- d. Approve Medical Director (Dr. Mattice) Contract Renewal  
Mr. Bradshaw stated that this was a budgeted item for our annual contract with the Medical Director, Dr. Mattice. A 10% increase was budgeted as he has not had an increase for the last five years. A motion to **approve the annual contract at \$25,000** was made by Councilman Kenyon and supported by Councilman Becker. Councilmember Atchison asked what he does for \$25,000, and was informed by Mr. Bradshaw that the EMS service operates under his medical license, and he provides all of the training and updating needed at unbeatable prices. **The motion passed unanimously.**
- e. Fuel Storage Tank Replacement  
Mr. Bradshaw expressed that the next three items are classified as emergency expenditures for Public Safety. The above ground fuel storage tank is about 15 years old, and at its most recent annual inspection, was found to be at risk for a major leak. It would take \$28,757 to dispose of the existing tank and install a new tank. A **motion made** by Councilman Kenyon and seconded by Councilmember Atchison **to approve the removal of the old and purchase and installation of the new fuel storage tank at a cost of \$28,757 was passed unanimously.**
- f. Replace Emergency Lighting and Loudspeaker System at Public Safety Department  
This is a mechanism that allows for automatic reaction by the doors, lighting and speaker system when an alarm goes off. It is an antiquated system that operates intermittently, and there are safety issues with stairs especially if the lights are nonreactive. This is \$7,137 for electrical, and equipment of \$5,072 for a total of \$12,209. A **motion to approve the purchase and installation of the emergency**

**lighting and loudspeaker system at the Public Safety Department** was made by Councilman Kenyon and supported by Councilman Becker, and **passed unanimously**.

g. **Replace Tires on Engine 101**

The inspection by Ten-8 on the tires on the main fire truck revealed that they need to be replaced immediately, and a quote was received for six (6) tires at \$2,205. There was discussion about this being an agenda item, with Mr. Bradshaw explaining that since it was non-budgeted, it is not necessary but preferred that the Council be aware of this. This type of purchase could go on the consent agenda if the Council preferred. Mayor Cadden was concerned that the purchase was delayed for Council approval, which should be an administrative decision that is acted on for urgent purchases. Councilmember Kenyon asked if there was a limit for emergency purchases, and was informed that it is \$5,000, which was agreeable to him. **A motion by Councilman Ahrens and seconded by Councilman Kenyon to approve the purchase of tires for \$2,205 passed unanimously.**

h. **Expenditure of Forfeiture Funds**

In the forfeiture case, the Town received a little over \$7,500 as a settlement. In order to access the funds, the Town Council has to grant approval. Staff is asking for \$3,000 for firearms for the Public Safety Department, which includes a trade-in of \$7,300 for their 9mm handguns. Also, \$4,300 is requested for reimbursement of legal expenses for the Town Attorney to expedite this case. **Councilman Kenyon made a motion to approve the use of \$3,000 for firearms and \$4,300 to reimburse the Town for legal fees on the forfeiture case from proceeds received from this case**, which was supported by Councilmember Atchison. **The motion was unanimously approved.**

i. **Schedule Date for Post-Election Procedures**

Mr. Bradshaw said the meeting for the reorganizational activities following the March 13<sup>th</sup> election would need to be scheduled after the 16<sup>th</sup> and before the 22<sup>nd</sup>. Mr. Clem said that the certification of results of the election would not be until 5 p.m. on the third day after, which is the 16<sup>th</sup>. Monday the 19<sup>th</sup> at 10 a.m. was agreed to by the Council for this meeting.

8. **Call to Council.**

a. **Committee Reports.**

**Council of Public Officials (COPU).** Mr. Kenyon said that the Committee is now operating as the affiliate of the Florida League of Cities, and a draft charter and bylaws were presented for review. Mr. Bradshaw and he attended, and several amendments were needed in the document. This will be corrected and distributed to the cities in the four-county league for their attorneys to review and respective councils to approve. Councilman Kenyon distributed Florida Statute 163.02 to the Council. Also, three temporary officers were elected through mid-April: Tom White as Chair, Sal Neglia as Vice Chair, and Dowling Watford as Treasurer.

**Metropolitan Planning Organization (MPO).** Councilman Becker reported that they did not meet.

**Beach and Shores Preservation.** Councilman Ahrens said they had an election to replace Bill Glenn as Chair, with Mayor Tom White of Vero Beach being chosen. The Vice Chair is now Bob Anderson, a Commissioner-appointee. Beach and Shores restoration programs were reviewed for the next year or two, with Sector 3 (Vero Beach) receiving the go-ahead from the State, and Sector 7 finally receiving a go-ahead with dredging to begin in February. Sectors 1 and 2 (north of Town) expect to be

permitted in early February. The dune restoration project that was recently completed in our Town was 50% funded by the County.

Parks and Recreation Committee. Councilman Ahrens said this meets next week.

Land Acquisition Advisory Committee (LAAC). Councilmember Atchison said they met in a special called meeting on January 3<sup>rd</sup> to discuss the recommendation to purchase the Sexton Ranch. The long discussion yielded in a recommendation, based on the contingency of having the land reappraised, of having the County Commission purchase it. The County Commissioners have tabled it until the new appraisals have been received. Councilman Becker clarified that they voted to purchase the development rights, not the property itself, and she agreed. They were going for an agricultural easement (one unit per five acres will NOT be built on this property), which means the Sextons give up their development rights on that acreage. They do not give up the bundle of rights on the five pieces of property that they have tagged for their family for perpetuity. Public access to the property was a concern of the committee, as well as its location outside of the Urban Service Area Boundary. The environmental, cultural and historical advocates were all in favor of the purchase. There was extended conversation between Councilman Becker and Councilmember Atchison with no resulting action.

Florida League of Cities Board of Directors. Mayor Cadden said that the Board of Directors has its next meeting in Tallahassee for Legislative Day in March. All of the Council is invited to attend. The Governor and our local legislature are coming up with an Act that will limit the ability to raise taxes in accordance with the CPI (Consumer Price Index) and growth. He urged the Council to stay aware of the topic, and Mr. Clem noted it is difficult to conceive of funding restrictions with unfunded mandates.

Treasure Coast Council of Local Governments. The TCCLG discussed the revenue cap Act mentioned above, and a letter to the Speaker of the House about this topic.

9. **Call to Audience.** Mayor Cadden welcomed Mr. Don Greene, President of John's Island Property Owners Association (JIPOA) and Mr. Peter Young, the new JIPOA General Manager. He said that perhaps the Chief and Officer Haynes could do a presentation on what the Public Safety Department has to offer. This Town has probably the most outstanding Public Safety Department in the State, and maybe one of the best in the Country, Mayor Cadden added. Mr. Greene thanked him for recognizing them, and said they would likely have the officers attend every different association's annual meeting on John's Island to explain how to properly use their service.
10. **Adjournment.** There being no further discussion, Mayor Cadden adjourned the meeting at 4:43 p.m.

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/s/  
Laura Aldrich, Town Clerk

*(Approved by the Town Council at the Feb. 22, 2007 meeting)*